

Recommendations for Statutory or Regulatory Changes **RSMo 21.795.2(7)**

The information in this section is in accordance with the following section of the reporting statute. *“(7) Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department; ...”* Section 21.795.2(7), RSMo Supp 1998.

MoDOT continues to make our transportation system safer through construction and rehabilitation of our state road system. MoDOT will work with the Governor’s office and the General Assembly in the 2001 legislative session to promote three key areas in the department’s business plan. These areas are:

- tools to accelerate highway projects
- initiatives that promote transportation safety
- proposals to efficiently manage transportation resources

MoDOT recommendations to accelerate highway construction include authorization for design-build, authority to build and operate toll facilities and elimination of the 10-mile rule. Design-build authority will allow MoDOT to let a contract for the design and construction of a project simultaneously, rather than letting these contracts separately, which is our current practice. This option would be particularly useful for large, complex, multi-year projects or in response to natural disasters, when it is essential to restore transportation services. Legislative sanction to build toll facilities will give us another option to build highway projects where traditional financing is not available. Eliminating the 10-mile restriction will free MoDOT from the requirements of contracting projects in less than 10-mile increments.

Safety initiatives for the Legislature’s consideration include:

- imposing an additional \$250 fine for speeding in work zones
- enforcing bridge postings for weight and speed limits
- legalizing the use of cameras against persons who run red lights
- imposing penalties for crossing divided highways
- toughening penalties for repeat drunk drivers, prohibiting the possession and consumption of alcoholic beverages in motor vehicles and amending Missouri’s blood alcohol content standard from .10 to .08

Missouri did not pass repeat offender and open container laws last year, therefore MoDOT will be required to **transfer** federal highway construction dollars to highway safety programs. Based on the latest information from the Federal Highway Administration in October 2000, the transfer amount for repeat offender and open container will total approximately \$12 million. This transfer will double to \$24 million in October 2002 and continue at that level each year until legislation is passed that complies with the federal law.

New regulations enacted by Congress in the FY 2001 U.S. Department of Transportation appropriations bill subject states that do not enact and enforce a .08 BAC standard to the

withholding of federal construction funds starting on Oct. 1, 2003. This withholding will start at 2 percent and will increase by 2 percent per year over the next three years, until Missouri passes a compliant .08 BAC law. Figures published by FHWA in October 2000, estimate the 2 percent withholding to total approximately \$8.1 million. It should be noted that failure to lower Missouri's current BAC from .10 to .08 made Missouri ineligible to receive additional federal grant monies last year.

MoDOT will also promote legislation to protect general aviation airports by requiring permits for tall structures near airports before the structures are built. In addition, the department supports making permanent the current transfer of aviation jet fuel revenues to the Aviation Trust Fund.

Additional legislation proposed by MoDOT will clarify references in Missouri statutes regarding MoDOT, the Missouri Highways and Transportation Commission and highway and retirement funds.

More information on recommended statutory or regulatory changes is in Section 7 of the Report to the Joint Committee on Transportation Oversight.